LEGISLATIVE BUSINESS—GOVERNMENT BILLS

(1) The Cochin Verumpattamdars' Bill—*(cont.)*

Mr. President: The discussion of the Verumpattamdars' Bill will be resumed.

Mr. A. Eachara Menon *(Chittur-Rural):* Sir, yesterday the Hon'ble member for Chittur-Tattamangalam said that the *Tharikuttu* is a loose term thereby showing the colossal ignorance of what the word means. *Tharikuttu* came into existence in this way. If a man wanted a piece of land for building a house, he goes to the *jenmi* and requests him to give him a land. After some consultation the *jenmi* and the tenant go to the place, select a place, demark it. The *jenmi* takes the *thari* (live-stake) and plants it first in the north-eastern corner and allows the tenant to completely fence it. Hence the name *tharikuttu*. This right is called *tharikuttu avakasom*. It is a very definite term pregnant with meaning.

Mr. T. S. Ramachandra Ayyar *(Nemmara):* Sir, if you will allow me to explain, I am afraid my Hon'ble friend has not followed my speech yesterday. I know very well the full significance of the term *tharikuttu*. My point was there are owners of *kutiyiruppu*, whose rights have not been specified by any registered document though they are in actual possession of the same.

Mr. A. Eachara Menon *(Chittur-Rural):* That clearly shows your ignorance.

Mr. T. S. Ramachandra Ayyar *(Nemmara):* The House is to decide who is ignorant and who is in full possession of facts. Anyway, it will be well if the term is more precisely defined and not merely mentioned if the Government means to do real benefit to both parties.

Mr. M. Raman Menon *(Offg. Diwan Peishkar):* From the speeches of the Hon'ble members who have taken part in the discussion, it has appeared that the general principles underlying the Bill have been accepted by the House. There are differences of opinion regarding certain details. The Bill is to go to a Select committee. The points raised by the Hon'ble members will be placed before the Committee and they will be considered there. I do not think that at this stage any detailed reply will be necessary. With these words, I pray that the motion be carried.

The motion that the Cochin Verumpattamdars' Bill be read in Council was put and carried

Secretary to the Council: The title of the Bill is "The Cochin Verumpattamdars' Bill".

Mr. M. Raman Menon *(Offg. Diwan Peishkar):* I move that the Bill may be referred to a Select committee consisting of the following members.—The Advocate General, the Legal Remembrancer, Mr. K. Ashtamoorthy Nambudiripad, Mr. V. K. Bhaskara Menon, Mr. V. J. Mathai, Mr. T. P. Poulose and Mr. P. Govinda Menon and the Mover.

Rama Varmha Tampuran *(Secretary to Government):* The Advocate-General cannot vote since he is not a member of the Council. He has a special right to address the Council. He has a special right to be included in the Committee when the Government wants. When he is so nominated to a committee he cannot record the vote. Therefore the Legal Remembrancer also has been nominated. There will be only 7 votes. When the Advocate-General is renominated as a Member of the Council the Legal Remembrancer will be retired.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Are we to take it that the Advocate-General will not be a member of the Council hereafter?

Rama Varmha Tampuran *(Secretary to Government):* When he is renominated he will become a member of the Council. The Legal Remembrancer will then be retired.

Motion put and carried

Mr. President: I nominate the Advocate-General as the Chairman. I give the committee 2 months' time for the submission of the report.

(2) The Cochin Port Roads Control Bill

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* I move that The Cochin Port Roads Control Bill be read in Council.

Mr. B. V. K. Menon *(Offg. Commissioner of Excise):* I second it.

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* The Bill authorises the levy of fees on carriages and carts using the Port Roads north of the Mattancheri Halt Station in the Willingdon Island. The Bill also provides that the fees shall be collected by such persons as may be authorised by Government and the fees are to be credited to the Cochin Port Fund. The other provisions in the Bill are purely procedural and are mainly adaptations from the Ferries and Tolls Act and the Cochin Municipal Act.

The Port Trust Act, under which a Port administration is usually carried on a provision authorising the Port Authorities to levy such fees is generally found. Section 43

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of the Madras Port Trust Act, reads.— The Board shall also frame a scale of rates on payment of which and a statement of conditions under which any property belonging to or in the possession or occupation of the Board or any place within the limits of the port may be used for the purposes specified hereunder.—

(a) approaching or lying at or alongside any moorings, wharf quay, pier, dock land, buildings or places aforesaid by vessels or boats;

(b) entering upon or plying for hire at or on any wharf quay, pier, dock land, building or place aforesaid by animals or vehicles carrying passengers or goods;

(c) leasing of land or sheds by owners of goods imported or intended for export or by steamer agents;

(d) any other use of any lands, works or appliances belonging to or provided by the Board.

An identical provision is also seen enacted in section 45 of the Tuticorin Port Trust Act.

Under the Harbour Agreement both this Government and the Government of India have undertaken to pass a Port Trust Act for this Port; but due to some reason or other it has not been possible as yet to enact such a measure. Such an Act would contain a provision on the lines of the one now before the House. Till such a measure is passed it is necessary both to authorise the levy of fees and also to place the same on a statutory basis.

The roads are constructed and maintained by the Port Authorities. The Port Authorities can be regarded at least as a local authority like the Municipality which is authorised to collect tolls within the municipal ares. I therefore commend the motion for the acceptance of the House.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Are not Port Authorities collecting fees even now?

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer)*: Yes. The Bill is intended to legalise and authorise such levy.

Mr. T. A. Ramachandra Ayyar *(Nellai)*: Without being authorised, they are collecting an illegal tax.

Rama Varmha Tampuran *Secretary to Government)*: It took some time for making arrangements.

Mr. Shabdai S. Koder *(Mattancheri)*: There was an idea to introduce composite system. In all the three municipalities together there was a conference.

Rama Varmha Tampuran *(Secretary to Government)*: That does not touch this question. That is regarding the municipalities of Ernakulam, Mattancheri and British Cochin. That is with regard to the use of through roads. This toll is not in any way on the through roads from Ernakulam to Mattancheri. It is not on that road at all. It is slightly to the north just where the road branches off to the port area. Therefore, this has nothing to do with that. It is purely for the port area alone.

Mr. C. R. Iyyunni *(Trichur-South)*: If this is passed into law, they can levy it wherever they want.

Mr. A. V. Moothedan *(Chalakkudi)*: By the through road, you mean road connecting this bridge and the other bridge.

Rama Varmha Tampuran *(Secretary to Government)*: Yes.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Under what authority were they collecting fees? Was there any Proclamation?

Rama Varmha Tampuran *(Secretary to Government)*: Government agreed to it. Cochin Government said they had no objection. It took some time to legalise. The question was further considered and then it was thought necessary to have a law particularly for this purpose and so we are introducing it.

Mr. A. B. Salem *(Mttancheri)*: Does the Government think that an agreement between the Governments is sufficient in the matter of levying a toll like this?

Rama Varmha Tampuran *(Secretary to Government)*: After all, it is not an extraneous body. Under mutual consent it was done.

Mr. A. B. Salem *(Mattancheri)*: Does the Government think the agreement is sufficient?

Rama Varmha Tampuran *(Secretary to Government)*: It is. In law, it may not be quite sufficient.

Mr. A. B. Salem *(Mattancheri)*: If it is not in law, in what other way is it sufficient?

Any way, I welcome this Bill which is at least an Act of the Sovereign rights of Cochin over the area and from that point of view, I doubly welcome it. We cannot do anything more than that under the circumstances. I know the circumstances and the difficulties which beset the Government. I again doubly welcome this measure which at least will give us if not the toll that is collected there, at least the proceeds of the property that may be ceased, in case no toll is

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paid by anybody. It will come to our own coffers through the Tahsildar. From that point of view, I welcome this Bill and give my full support to it.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Port Roads Control Bill*.

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* I request that the President be pleased to suspend Standing Order 32.

Mr. President: The S. O. is suspended.

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* I request that the Bill be taken into consideration.

Motion put and carried

Clauses 2 to 10 and schedule put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. N. S. Radhakrishna Sarma *(Legal Remembrancer):* I request that the Bill may be taken up and finally passed tomorrow.

Mr. B. V. K. Menon *(Offg. Commissioner of Excise):* I second it.

Motion put and carried

RESOLUTIONS

(a) Government Resolution

Guarantee by Government of the further debentures issued by the Land Mortgage Bank to the extent of Rs. 20 lakhs

Mr. P. V. Raphael *(Comptroller of Finance and Accounts):* Sir, I beg to move the following resolution for the acceptance of the House. "*This Council recommends to the Government that the further debentures issued by the Land Mortgage Bank to the extent of 20 lakhs may be guaranteed by Government both in respect of interest and principal.*"

In commending this resolution for the kind acceptance of this House, I do not think any lengthy speech is required. Hon'ble members may remember that five years ago this House permitted the Government to guarantee to the Land Mortgage Bank the issue of debentures and overdrafts to the extent of 20 lakhs. These debentures were issued from time to time in series of five lakhs of rupees and of all these, three such series have already been issued. There remains only 5 lakhs and against this five lakhs, the bank has already drawn overdrafts to the extent of two lakhs. There remains only an amount about three lakhs more and when this is also drawn, the fourth series of debentures will be issued and the bank will then be without funds for carrying on its normal avocations. The bank has, therefore, requested the Government to guarantee a further sum of 20 lakhs of rupees and the Government propose to give them this guarantee so that the bank which is doing very useful and good work among the poor agriculturists of the State may carry on their work. The usual collections of the bank will not be sufficient for them to go on with their lending operations. The usual annual collections amount to about a lakh and fifty thousand rupees against which they have to pay annually a loan of about three lakhs of rupees. But from these collections, they have to spend about a lakh of rupees for paying interest on their debentures, overdrafts and also to meet their establishment, travelling, contingent and other expenses. So that there remains only about fifty thousand rupees against which they have to spend on an average about three lakhs of rupees in giving loans to the various agriculturally indebted people. We have, therefore, to come to their aid and give a guarantee of 20 lakhs of rupees and I beg to request that the House may be pleased to sanction this proposal of the Government.

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* I second it.

Mr. P. K. Madhava Menon *(Narakkal):* May I know Sir, what is the rate of interest?

Mr. P. V. Raphael *(Comptroller of Finance and Accounts):* The rate of interest has not been fixed because the debentures which we are now proposing here will be issued only after about a year and we do not know what the condition of the money market will then be. We cannot say anything definite with regard to the rate of interest that will be fixed for the guarantee that we are now proposing to give. But I can assure the House that the Board of Directors in consultation with the Government will take all the relevant factors then existing and so fix the rate as not to affect the bank's interest and the interest of the poor agriculturists.

Mr. K. M. Ibrahim *(Cranganur):* Sir, I would like to tender one piece of criticism regarding the working of the Land Mortgage Bank at this juncture of the discussion of the motion.

*Appendix III.

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